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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Part 80 of the)
Commission's Rules Concerning the)
General Exemption for Large)
Oceangoing Cargo Vessels and Small)
Passenger Vessels)

PR Docket 93-133

To: The Commission

REPLY COMMENTS OF THE AMERICAN RADIO ASSOCIATION

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Mar") and the American Institute of Merchant Shipping ("AIMS") as such proposals would further reduce safety.

I. ENVIRONMENTAL GROUPS UNDERScore ARA'S CONCERNS THAT THE PROPOSAL WOULD COMPROMISE SAFETY AT SEA

The environmental groups that commented in this proceeding are only too aware of the disastrous effects a maritime accident can have on the fragile marine environment. Clearly, effective and reliable means of communications are essential to prevent or minimize loss of life and damage to our ocean's ecosystems. These commenters agree with ARA that the Notice's proposal could seriously compromise the effectiveness and reliability of maritime communications and thus "further put our fragile ocean and coastal waters at risk to potential spills and other environmental disasters."³

As an initial matter, Clear Ocean Action ("COA") and the Society for Animal Protective Legislation ("SAPL") echo ARA's concern that expanding the radiotelegraph/Radio Officer exemption as proposed will invite cheating on the Communications Act's 150 nautical mile limit for such exemptions and thus reduce safety.⁴ While all of the voyages

³ Comments of Clean Ocean Action at 1.

⁴ As ARA detailed in its opening comments, this limitation was adopted for sound technical reasons -- medium frequency radiotelephone equipment is considered reliable only up to 150 nautical miles. Accordingly, Congress required that ships traveling outside of this coastal zone
(continued...)



today's vessels remains in good working order.⁵ Further, in

Despite the Radio Officer's essential skills, the proposal encourages ship owners to remove this communications and electronics specialist, and in his or her place install equipment designed to function in a system that is not yet fully operational. As ARA detailed in its opening comments, critical aspects of GMDSS have not yet been activated.⁷ Further, until the end of the transition period in 1999, not all vessels will have GMDSS capabilities. Because different ships would be operating on different systems, there is a heightened potential for a lapse in communications that could severely compromise safety.

Recent reports underscore that maritime communications via satellite are not yet fully operational and functioning properly. As discussed in a recent article from the Journal of Commerce, the transmission of navigational alerts and other information are as yet virtually non-existent in many areas. Additionally, in several cases, satellite-transmitted distress calls have gone unanswered -- with dire results. Until GMDSS is fully implemented and functioning smoothly

⁶(...continued)
these exempted vessels may not have been aware of the distress of neighboring ships. Finally, even if these vessels were lucky enough to escape disaster in the past, this is not a basis for removing safeguards that could prevent such incidents in the future.

⁷ For example, the Coast Guard has indicated that full implementation of Digital Selective Calling will not occur until 1997 or 1998.

worldwide, the International Chamber of Shipping has advised ship owners to retain high frequency radio equipment, rather than depend solely on satellite communications.⁸ The Commission should proceed similarly. Until GMDSS is fully operational, the public interest would not be served by permitting this equipment to substitute for proven means of long range communications and the skills of the Radio Officer.

II. THE MODIFICATIONS PROPOSED BY AIMS AND DEL MAR WOULD FURTHER REDUCE SAFETY

In their comments, AIMS and Del Mar suggest several modifications to the proposed rules that would further expand the scope of the exemption or reduce the equipment required to be carried in place of a radiotelegraph station and a Radio Officer. However, ARA submits that these rule modifications would only further compromise safety. AIMS' proposal also raises serious legal questions. Accordingly, none of these proposals should be adopted.

For its part, AIMS urges the Commission to further expand the class of ships eligible for a radiotelegraph/Radio Officer exemption to include "any voyage within 150 miles of

⁸ Porter, Janet, "Maritime Safety Is in Jeopardy, Ship Official Warns," Journal of Commerce, July 8, 1993. A copy of this article is attached.

land, whether domestic or international."⁹ Yet, granting a blanket exemption to such international voyages appears to be prohibited under the Safety of Life at Sea Convention. As ARA detailed in its opening comments, this treaty, which applies solely to international voyages, permits exemptions to its radio equipment requirements to be granted only to "individual" ships following an assessment that the particulars of the voyage are such as to render full compliance with the treaty's equipment requirements unnecessary.¹⁰ Because it proposes a blanket exemption without such analysis for each ship and the conditions of the specific voyage, AIMS' suggested modification violates the treaty and cannot lawfully be adopted.

Granting an automatic exemption to such international voyages also raises serious safety questions. As ARA discussed in its initial comments, the purpose behind the treaty's equipment requirements and high standards for exemptions was to ensure that ships of different countries sailing near each other could communicate effectively in case of emergency and that ships of one nation would not pose a safety threat to the ships or coastal environment of another. Exempting a broad class of ships sailing through foreign waters without a thorough assessment of the particular voyage

⁹ AIMS Comments at 2.

¹⁰ See ARA Comments at 3-6.

at issue could seriously threaten these important safety goals.¹¹ As such, AIMS' proposed expansion of the radiotelegraph/Radio Officer exemption would not serve the public interest.

Del Mar, in turn, suggests that the Commission allow the substitution or elimination of certain of the replacement equipment in proposed Section 80.836(b)(4). For example, Del Mar suggests permitting the combination of a standard M satellite terminal (voice) and a standard C satellite terminal (telex) to be allowed in place of a standard A terminal, which has voice and telex capability. However, unlike the standard A terminal, the equipment combination Del Mar proposes does not have the ability to send conversational real time telex messages. In emergency situations where every minute counts, the resulting time lag from using the C and M terminal combination could seriously compromise safety.¹²

¹¹ See, e.g., Lloyd's Casualty Week, Vol. 293, No. 2 at 22 (July 16, 1993) (describing expansion of M terminal).

Del Mar also proposes that vessels equipped with a separate 2182 kHz watch receiver not be required to provide a reserve (battery) power source for that receiver. Del Mar argues that such reserve power is unnecessary because if the ship lost emergency power "it would most likely not be able to respond to another ship's distress situation."¹³ Yet, while a vessel that has lost main and emergency power may not

for ships to retain a 500 kHz autoalarm.¹⁵ Indeed, the International Confederation of Free Trade Unions ("ICFTU"), a constituent organization of the International Maritime Organization, has expressed its belief that discontinuance of the 500 kHz watch

will compromise the safety of seafarers whose ships will depend on that frequency for distress and urgency messages. Very many such ships will not be fitted with GMDSS before 1999, so in the United States waters such ships will have to depend on other 500 kHz equipped ships manned with a radio officer and on commercial coast stations. The coast stations are limited in number and not reliable for monitoring 500 kHz due to their commercial traffic load on other frequencies. The ICFTU does not yet consider the GMDSS to be a global system or a more efficient telecommunications system so adequate coverage on 500 kHz should be maintained at least until February 1999, when the provision could be reviewed.¹⁶

ARA fully agrees.

¹⁵ Despite the Coast Guard's discontinuance of its monitoring of 500 kHz, taped Morse Code distress messages can still be relayed to the Coast Guard on the HF single side band. Contrary to Del Mar's assertion, taped audio of a Morse Code message is not intended to be relayed to the Coast Guard on 500 kHz.

¹⁶ Draft Report of the Subcommittee on Radio-communications to the Maritime Safety Committee of the International Maritime Organization at ¶ 26.15 (Jan. 21, 1993).

III. CONCLUSION

For the foregoing reasons, the proposed amendment to Section 80.836 of the Commission Rules -- as well as the further modifications proposed by several of the commenters -- raises serious safety concerns. ARA thus urges the Commission not to adopt these proposals.

Respectfully submitted,

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July 21, 1993

July 8, 1993

Maritime Safety Is in Jeopardy, Ship Official Warns

Governments Fail To Back Satellite Commitments

By JANET PORTER
Journal of Commerce Staff

LONDON — Maritime safety is being jeopardized by the failure of many governments to honor international commitments and broadcast navigational warnings by satellite to shipping, a senior industry official warned Wednesday.

He added that there have even been instances of maritime authorities failing to respond in time to distress calls sent by satellite because of inadequate shore-based facilities.

As a result, a revolutionary emergency communications system that can transmit vital information by satellite to and from vessels out of range of conventional terrestrial ship-to-shore radio transmissions cannot be fully relied upon, according to Chris Horrocks, secretary general of the International Chamber of Shipping.

Instead, ships able to communicate by satellite are still being advised to carry high frequency radio equipment to ensure they can send and receive maritime safety information throughout the voyage.

The Global Maritime Distress and Safety System, developed by the U.N.'s International Maritime Organization in conjunction with the International Maritime Satellite Organization, enables the crew of a vessel in trouble to raise the alarm at the hit of a button. A message detailing the vessel's name and position is instantly flashed by satellite to a land-based station that will then co-ordinate a rescue operation.

The same system can be used to broadcast information of navigational hazards such as ship wrecks, abandoned containers or off-station buoys, bad weather warnings and other urgent messages to ships.

The new global distress system was formally introduced in February 1992 and will be phased in over a seven-year period by which time all merchant ships that operate out of range of coastal radio must be able to communicate by satellite. Radio officers no longer will be required.

Addressing a conference on maritime communications and control organized by the Institute of Marine Engineers, Mr. Horrocks said the transmission of navigational alerts and shore-to-ship distress information via satellite "is still patchy."

France, for example, which is responsible for a large area of the Atlantic from northern France to west Africa, does not yet send out search and rescue alerts by satellite. This means that other ships in the vicinity may be unaware of a vessel in trouble if they are relying on satellite transmissions.

Even the United States was late in introducing search-and-rescue transmissions, while several countries in South America have barely started sending out navigational warnings 18 months after the new system was launched.

Chile, for example, which is responsible for a large area of the Pacific, does not yet provide navigational alerts, meteorological information or search-and-rescue satellite broadcasts, according to Christopher Rayfield, a communications and electronics adviser for the International Chamber of Shipping.

In contrast, shipping in Asia is well-served by Australia and Japan, which are responsible for providing information to shipping in the region. But there have been several alarming incidents of satellite-transmitted distress calls going unanswered.

In the worst case, the SOS sent out by the Danish-owned *Baltimar Zephyr* when the ship was attacked by pirates near Indonesia last year was picked up by an earth station at Eik in Norway, which was unable to contact local rescue services in time. In that case, the ship's master and first officer were murdered.

The Norwegians also have complained about other instances where they have received emergency signals from ships in the Malacca Straits but either could get no answer from the appropriate maritime authority or could find no one who spoke English.

Until the new system is working smoothly worldwide and all governments are fully meeting their obligations, the International Chamber of Shipping, which has told the IMO of its concerns, is advising shipowners to retain high frequency radio equipment, which has the same range as satellite transmission but with a much inferior reception, rather than depend solely on satellite communications.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of July, 1993, I caused copies of the foregoing "Reply Comments of the American Radio Association" to be mailed via first-class postage prepaid mail to the following:

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